



[10191/3439]

TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION

In re Application of: Harald MICHl et al.

Application No.: 10/767,087

Filed: January 29, 2004

For: **SPEED CONTROLLER HAVING SEVERAL OPERATING MODES**

Petitioner, Robert Bosch GmbH, is the owner of 100% percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer, filed prior to the grant of any patent granted on pending reference Application Number 10/496,434 ("the reference application"). Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the reference application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record.

4/10/06
Date

 (R. No. 35,952)
GERARD LEE for Gerard Messina
Signature

04/17/2006 SFELEKE1 00000016 110600 10767087
04 FC:1814 130.00 DA

Gerard A. Messina, Reg. No. 35,952

Attorney of Record

Typed or printed name and title if applicable

[X] Terminal disclaimer fee of \$130.00 under 37 CFR 1.20(d) charged to Deposit Account No. 11-0600.

[X] PTO suggested wording for terminal disclaimer was:

[X] unchanged,

[] changed (if changed, an explanation should be supplied).